

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **Mail Stop ISSUE FEE**
Jerome Assal et al.)
Application No.: 10/524,891) Group Art Unit: 2815
Filed: October 31, 2005) Examiner: Chris C. Chu
For: FUNCTIONAL COATING OF THE) Confirmation No.: 5889
SCFM PREFORM)
)

**COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE
AND REQUEST FOR SUPPLEMENTAL NOTICE OF ALLOWABILITY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants note with appreciation the receipt of a Notice of Allowance and Fee(s) Due dated March 30, 2009. Attached thereto is an Examiner's Statement of the reasons for allowance. Applicants do not concede to the correctness of the interpretation of the teachings of Kodama et al. (U.S. Patent No. 6,686,659), Miyamoto (U.S. Patent No. 4,876,588), and Schwartzman (U.S. Patent No. 3,686,539) set forth therein.

Upon review of the application file, applicants note that an Information Disclosure Statement was filed February 16, 2005 citing, *inter alia*, foreign patent documents EP 0 932 201 and JP 56-167352, as well as non-patent literature document "L. Krusin-Elbaum et al.; ZrN Diffusion Barrier in Aluminum Metallization Scheme." Subsequently, a Second Information Disclosure Statement was filed on October 31, 2005 citing an International Preliminary Examination Report citing each of the aforementioned documents cited in the First Information Disclosure Statement. In an Official Action dated March 31, 2008, attached thereto was an Examiner's

initialed copy of the Form PTO-1449 filed as part of the First Information Disclosure Statement. However, three of the above-identified documents were crossed-through by the Examiner, indicating that they were not considered. The Official Action gave no reasons for the refusal to consider these cited documents. In fact, applicants respectfully submit that the refusal to consider these documents was in fact erroneous. It is believed that there citation fully complies with the requirements of 37 C.F.R. §§1.97-1.98. For example, the requirement for a concise explanation of the relevance of any non-English language documents can be satisfied by submitting a copy of a Search Report or other action by a foreign patent office in a counterpart foreign application in the English language, which lists the documents therein and contains some indication of its relevance (e.g., "X", "Y", or "A"). Thus, the documents which were crossed out by the Examiner in the Official Action of March 31, 2008 were in fact cited on the Search Report cited and provided in the Second Information Disclosure Statement.

Thus, applicants respectfully request the enclosed photocopy of the Form PTO-1449 originally filed on February 16, 2006 be initialed and returned to applicants thereby indicating consideration of the cited references EP 0 932 201, JP 56-167352, and the article by L. Krusin-Elbaum et al.

Applicants expressly wish to avoid any negative inferences which could be drawn by an absence to challenge the above-noted assertions, or any other statements contained in the Examiner's Reasons for Allowance.

Respectfully submitted,

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Date: June 19, 2009
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